

a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish further information may write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 21, 1999, at 9:30 a.m. to conduct a hearing on S. 985, the *Inter-governmental Gaming Agreement Act of 1999*. The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to committee staff at 202/224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re judicial nominations, during the session of the Senate on Tuesday, July 13, 1999, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 13, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on issues relating to S. 1330, a bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city, and S. 1329, a bill to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Drug Free Schools" during the session of the Senate on Tuesday, July 13, 1999, at 9:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### SEIZING THE MILE

• Mr. SCHUMER. Mr. President, I rise to commend John Sexton, Dean of New York University Law School, for his many years of hard work and dedication to the Law School, the residents

of New York State, and to the improvement of legal education for all Americans. Since 1988, when Sexton became Dean, NYU Law School has become one of America's finest law schools. Dean Sexton should be recognized for his efforts. I ask that the text of "John Sexton Seizing the Mile" by Stephen Englund be printed in the CONGRESSIONAL RECORD.

The text follows:

[From *Lifestyles*, Pre-Spring 1999]

JOHN SEXTON SEIZING THE MILE

(By Stephen Englund)

In the late spring of 1997, veteran reporter James Traub asked, in a headline to a New York Times Magazine feature article, "Is NYU's law school challenging Harvard's as the nation's best?" It was a fair question. NYU Law had come a long way in a short time. A law school that had been little more than a commuter school at the end of World War II was, by 1997, considered by anyone familiar with current developments in legal education to be, as one professor said, "one of the five or six law schools that could plausibly claim to be among the top three in the country." Distinguished academics like Harvard's Laurence Tribe and Arthur Miller had placed NYU (with their own school and with Yale, Stanford and Chicago) in that group. As Tribe put it: "The array of faculty that has moved to NYU over the last decade or so has created a level of scholarship and intellectual distinction and range that is extremely impressive."

In 1997, the notion that NYU's School of Law might be the best was certainly provocative. But 18 months later, after an astonishing (indeed unprecedented) day-long forum at the school titled "Strengthening Democracy in the Global Economy"—a meeting that brought to Washington Square President Clinton, Britain's Prime Minister Tony Blair, Italy's President Romano Prodi and Bulgaria's President Peter Stoyanov, as well as First Lady Hillary Rodham Clinton and a supporting cast of respected intellectuals and other leaders—many people are answering Traub's question with a resounding "Yes!"

Indeed, the rise of NYU over the past few years has been one of the most noted advances on the academic scene—with a growing number of those both in the academy and at the bar offering the view that NYU has become the nation's premier site for legal education. For instance, Michael Ryan, senior partner at New York's oldest law firm, Cadwalader, Wickersham, and Taft—himself a Harvard Law School graduate—told me: "NYU is a more exciting and innovative place than any other law school. The place combines the energy, vitality and diversity like that of the Lexington Avenue subway with the cohesiveness and spirit. The school's innovative global initiative is alone worth the price of admission. If I were a student, I'd choose it over any other school." Chief Judge Harry Edwards of the United States Court of Appeals for the District of Columbia Circuit, viewed by many as the nation's second most important court, said virtually the same thing: NYU is absolutely the place to be these days. I hear more comments about the quality, excitement, and originality of what's going on there than I do about any other law school." As did Pasquale Pasquino, one of Europe's foremost political theorists, who is teaching at the law school this year: "NYU surely has the most prominent, the most productive and the most interesting faculty. Its programs raise some of the most interesting questions raised in any law school." And when I spoke

with Dwight Opperman, who for decades was the leader of West Publishing, the world's largest publisher of law books, he volunteered: "NYU surpasses Harvard in many areas."

Frankly, when I first read Traub's article, and even more when I began to hear views like those of Ryan, Edwards, Pasquino and Opperman, I was more than a little bit surprised. How was it that NYU had come to be seen as seriously challenging—or even surpassing—"name brand" schools like Harvard, Yale, Chicago and Stanford? And how had it happened so quickly? As a former academic, I know that the academy is one of the least variable theaters on the world stage. Far more than in other realms, reputations of colleges, universities and professional schools are improved, if at all at a glacial creep, though they may decline precipitously. Little wonder, then, that NYU's rise to the top of legal education continues to be the topic of so much discussion.

What does explain NYU's ascendancy? Well, one key element is surely the astonishing migration of academic stars from other leading law schools to Washington Square. In academe, it is big news when an established professor at a leading school makes a "lateral move" to a peer institution—even more so when the professor leaves a distinguished chaired professorship in making the move. In legal education, such moves have been relatively rare, in part because law faculties are small (the largest in the country has only 70 to 80 members). Yet over the last 10 years, there has been an unprecedented migration to NYU from schools like Chicago, Harvard, Michigan, Pennsylvania, Stanford, Virginia, and Yale, and NYU can now boast the most distinguished set or "laterals" of any law school.

Another element is its student body. For decades, NYU has drawn strong students, but today the school attracts many of the very best in the country. Today, by any objective criteria—grade point averages, LSAT scores, the number of graduate academic degrees earned, the languages spoken—NYU's student body is among the three of four most selective in the nation.

And then, too, there is NYU's remarkable record in providing those students, as they graduate, with the most coveted legal jobs. NYU's graduates long have dominated the public service bar, but the dramatic development of the past decade is that NYU has edged ahead of Harvard in providing the greatest number of hires by the American Lawyer's 50 leading law firms.

The school's arrival at the top has been ratified in perhaps the most brutal arena of them all: fund-raising. In December 1998, NYU Law completed an extraordinary successful five-year fund-raising campaign. Under the leadership of Martin Payson ('61), the campaign's chairman; Board Chair Martin Lipton ('55); and Vice-Chair Lester Pollock ('57), the campaign has generated 45 gifts in excess of \$1 million. Eight have been in excess of \$5 million, including gifts from Alfred ('65) and Gail Engelberg, Jay ('71) and Gail Furman, Rita ('59) and Gustave Hauser, LL.M. ('57), Jerome Kern ('60) Dwight Opperman, Ingeborg and Ira Rennert, and the Wachtell, Lipton, Rosen & Katz law firm. It took NYU just three years to reach its original five-year goal of \$125 million, and it easily surpassed its revised goal of \$175 million. Only Yale and Harvard law schools join NYU at this level.

Once I discovered these facts, the startling idea that NYU Law School may be the best in the country—perhaps in the world—began to grow on me. And I also realized that this transformation was a riveting tale of "from there to here"—one of the most remarkable in education history. Here it is in a nutshell.

## A HISTORICAL PERSPECTIVE

Fade in. Scene One. It is 1942. Arthur T. Vanderbilt becomes dean of NYU Law School. Though already more than a century old (it was founded in 1835) and boasting graduates like Samuel J. Tilden, Elihu Root and Jacob Javits, NYU is not an impressive place. Its facilities are limited to two floor of an antiquated factory building in Greenwich Village. It is a "commuter school," drawing its students from the New York metropolitan area. Justice Felix Frankfurter, in his biography, described it as one of the worst schools in the country.

But the visionary Vanderbilt sees the potential oak lurking within the acorn. He sees NYU as a national and international "center of the law." Many in the upper reaches of the university see his dream as "Vanderbilt's folly," but the determined Vanderbilt, dedicated to the dream, presses on.

First, he begins to exploit the school's unique asset: its Greenwich Village location in the legal, financial, cultural and intellectual hub of the world, New York City. Methodically, he plans for an expansion of the school's physical plant. Soon he opens an attractive new classroom building that the law school can call its own, and he follows three years later, in 1955, with the school's first residence hall.

Along the way, seeking to raise much-needed cash, the dean's natural financial savvy intersects with luck, when he purchases the C.F. Mueller Macaroni Company for the law school. The company generates profits each year and gives the school lasting security, for when the Mueller Company is sold in 1977, it is worth more than 20 times the school's original investment. Even after providing \$40 million to the then-financially pressed university, the law school realizes a gain of nearly \$80 million. And, in return for having shared its profits with the university, the law school is granted a degree of autonomy unprecedented in education. It will henceforth do its own planning, and its decisions will be a product of its dean, its faculty and its own independent Board of Trustees.

Vanderbilt officially resigns in 1947 to become Chief Justice of the New Jersey Supreme Court, but he continues to play Pygmalion with the school until his death in 1957. He adds significant new programs designed to give the school a national reputation, he deploys a merit scholarship program to attract the best students and he begins the process of building a strong faculty. Still, though NYU Law School now is a very good school, Vanderbilt's dream is not nearly realized. Fade out.

Fade in Scene Two. It is the opening of the 1990 academic year. We are seated in a hall at the law school, listening to a distinguished leader of the faculty explain "How NYU became a Major Law School." The words spoken by Prof. Norman Dorsen are appealing—for their modesty as well as for their insight and depth. Dorsen, an eminent scholar and defender of civil rights, has just retired as president of the American Civil Liberties Union. Reading between the lines of his talk, it is clear he is also a painfully honest man. It's not difficult to sense that he is not entirely convinced that his law school is altogether as eminent a place as some have claimed it to be. Indeed, he tells his audience that recent years have been a time of "deceleration" in NYU's "steady drive to the summit of American legal education, which seemed inexorable a few years before."

What does Dorsen mean? After all, in the quarter century since Vanderbilt, the law school has added eight new buildings, including two splendid residence halls and a magnificent underground library—all state of the

art. Its student body has become more selective and much more diverse, boasting students from a dozen countries. Its faculty now has a core of highly regarded scholars and clinicians. Still, in the previous five years, NYU has made only one addition to its tenure track faculty, and two junior leading lights have defected to Columbia (one of whom, David Leebron, would later become Columbia's dean). There was the discomfiting prospect that Columbia—and other schools would persuade more faculty members to move. This is not good, Dorsen says. It should be NYU that is doing the luring and hiring. In his view, the mood of contentment reigning at the law school, though understandable, is potentially destructive.

On the positive side, Dorsen says, the school does have a dynamic new dean, John Sexton. However, Sexton has been dean only two years now, and it is too soon to assay his potential. If Sexton succeeds in reigniting the law school's "steady drive" to the top, says Dorsen, it will be because he has managed to replenish the school's slipping endowment, to stanch the incipient hemorrhage of top scholars to other law schools and galvanize NYU Law with a sense of mission. Dorsen allows as how "there is ample ground to hope" this all might happen, so that "within a few years NYU will be firmly established in fact and in the consciousness of the profession and the public as being among the best in the nation." Fade out.

Fade in. Scene Three. It is 1994. Richard Stewart, formerly a chaired professor and associate dean at Harvard Law School and recently assistant attorney general for the environment, is sitting in John Sexton's office at NYU. Stewart is a towering figure in law, widely recognized as the nation's leading scholar in environmental and administrative law. Harvard wants him back. Columbia, where Stewart's former Harvard colleague and co-author is dean, has launched a major effort to attract him. But Sexton thinks Stewart should come to Washington Square—that he should become part of what he calls "the Enterprise," the group of NYU faculty who are devoted to making the school the world's leading center of the study of law.

The Enterprise is committed to several principles, Sexton tells Stewart. It rejects the notion, prevalent in elite schools, that faculty members are "independent contractors" teaching what they want to teach when they want to teach it, and available to colleagues and students as much or as little as they please. Instead, faculty in the Enterprise undertake a reciprocal obligation to each other and to their students—they pledge to be engaged with each other in a learning community, reading drafts and being present for one another in an ongoing conversation about law.

Sexton continues: "The Enterprise rejects contentment in favor of constant improvement and aspiration. The school always should be asking: How can we become better? Members of the Enterprise are willing, occasionally at least, to subordinate personal interests to those of the collective. They delight in having colleagues who challenge their ideas; they are not afraid to be around people who are smarter than they are."

In making his case to Stewart, Sexton reaches back to a phrase he first heard from the Jesuits: "Most of all, the Enterprise is committed to thinking constantly about the ratio studiorum of the school: why do we do things the way we do?" The Enterprise, Sexton tells Stewart, is open to everyone who wishes to join. It is the center of gravity of NYU's faculty, and NYU's unique attraction.

"Count me in, Stewart says. Fade out.

Fade in. Scene four. It is 1998. We are seated in another auditorium on the Washington

Square campus of NYU, this time listening to Dr. L. Jay Oliva expatiate to NYU alumni and friends about his aspirations for the university he has presided over since he succeeded John Brademas in 1992. Some college presidents, he observes, especially those in the Midwest, strive to make their institutions as good as their football team. Others want it to be as fine as the music conservatory or the medical school. Here at NYU, Oliva says with a smile, "I will be satisfied when I leave office if the university matches the quality and the renown of its law school." Fade out.

## THE NEW DEAN

NYU Law's ascent unquestionably has been the product of many factors. No. 1, just as Vanderbilt foresaw, is its unique location. By the dawn of the '90's, as Professor Richard Revesz notes, New York City itself was "no longer a minus" in hiring faculty. The city had solved many of its worst problems and was becoming attractive again, especially to academics in two-career families (Revesz's wife, Vicki Been, for instance is also professor at the law school). And Greenwich Village is a particularly attractive part of the city. However, to invoke "other factors" in accounting for NYU's rise to the top of legal education while downplaying the role of Dean John Sexton would be like trying to discuss the right of judicial review without highlighting John Marshall; it's talking "Scopes" while soft-pedaling Darrow. It's *To Kill A Mockingbird* without Atticus Finch. When Norman Redlich retired in 1988 and John Sexton, a member of the Enterprise, was selected as his successor, the law school got more than it expected. The dean calls himself "a catalyst, not the cause" of the law school's arrival at the top, but any measure and by all accounts, he is a catalyst nonpareil.

We owe to the ancient Greek poet Archilochus the familiar observation that "the fox knows many things, but the hedgehog knows one great thing." John Sexton, with his round cheeks, his bright eyes, and bushy hair, resembles as well as personifies the hedgehog. There is about Sexton a deep intelligence and a grand sense of humor, but the one "great thing" that he knows, and knows well, is single-minded devotion to a team or institution.

Sexton came to teach at NYU in 1981, immediately following a clerkship with Chief Justice Warren Burger, and was granted tenure a mere three years later. He has run NYU Law School for a decade now, and recently, happily signed on for another term of five years. This alone is rare. Law schools these days are desperate for deans because deans are desperate to leave their posts. The average tenure of an American law dean is fewer than four years. In the words of Chief Judge Harry Edwards: "John is a truly visionary dean, and if that statement sounds like an oxymoron, it's because no one these days thinks of law deans as visionary. They aren't thought to hold a job that allows them to be visionary. Even if some deans might want to do something special, the drudgery of running a law school, especially of holding its factions together, doesn't permit it. That's why deans turn over so quickly."

Sexton's personality is haimish-warm and embracing, your quintessential "good guy." John (as he urges everyone, including his students, to call him) is disarmingly self-effacing, gracious, ready and eager to brag about others, to share credit even for things he has largely accomplished on his own. He is above all eager to elicit people's counsel and ideas, to involve them in his grand project of building up the law school. Despite his Harvard J.D. and his Fordham Ph.D. (in religion), he is profoundly non-elitist. A

Brooklynite who has kept (indeed cultivated) the accent, he is absolutely comfortable with himself. Being around the super-wealthy, the super-powerful, or the super-brilliant neither fazes nor inhibits him in the least. And he's no clothes-horse, either. There's often a slightly rumpled or professorial air about him.

In short, this man is, in style and appearance, closer to a New York ward heeler than, say, the cosmopolitan director of the Metropolitan Museum. From his nasal Brooklynese to the show-and-tell hands, from the wide-open, explosive laugh and the rapid-fire banter to the sharing of jokes and stories, Sexton is more like a New York mayor in the Ed Koch mold than he is a white-shoe lawyer or John Houseman's Professor Kingsfield in *The Paper Chase*. He can out-Rudin the Rudin Brothers at boosting New York—he follows and knows the Yankees, Knicks, Jets and Giants as few who aren't sports journalists do, and he can (and will) tell you where to find the best bagel in the five boroughs.

Among his skills is the ability to take the edge off irritability or anger, to foster a sense of camaraderie among the disparate group of people. And if he is no expert on culture (and doesn't pretend to be), Sexton is yet reminiscent of that mesmerizing czar of New York's not-for-profit theater, the late Joseph Papp. For, like the founder of the New York Shakespeare Festival, Sexton is a salesman, par excellence, of his "idea" and institution. He knows he's got the greatest thing in the world, and he's gonna button-hole, assault, cajole, and wear you down until you know it too. And if at first you don't agree with him, that's okay, he just hasn't done a good enough job of persuading you—yet.

With his students and faculty, Sexton can be—everyone says so—like a parish priest. As confidant and counselor, he is peerless, inclined, as he himself puts it, to "hear confessions" and impart advice, including no small amount of moral exhortation, with a helpfulness and zeal that are both legendary and unusual in the secular academy. "John gets this quizzical, almost surprised, look on his face while he's listening to you," a student in his civil procedure course said recently "as if he's not sure he grasps all of what you are saying—only he does. He seems bemused, but he isn't. When he speaks, he talks quickly and a lot, but he's helpful." A faculty colleague of Sexton's notes, "John is more expansive and discursive than articulate and concise, but he can also be dead-on cogent when he needs to be. He'll present all aspects of a subject, he'll summarize his opponents' viewpoints with a fairness they cannot reproach, but then, after all the praise and prefatory remarks and analysis, he'll bear in for the kill. When he gets to his point, watch out. It's not for nothing he was a national debating champ and coach when he was younger."

Though it is unusual for a law school dean to have a heavy teaching load (many do no teaching), Sexton teaches—and teaches. Indeed, he teaches more than many faculty who have no administrative responsibilities. This fall he is teaching three courses. "I draw energy from the students," Sexton says. "Being with them reminds me why we do everything else. They keep my eye on the ultimate goal. The students incarnate our possibilities." Even outside of class, Sexton spends a huge amount of time with students. His students congregate for casual hours in his office on Monday evenings—and the sessions often run past midnight. Students may raise any topic they like, except the day's lecture. Asked how he can spare so many hours for students and the classroom, Sexton replies, "I don't do the usual flag carrying,

the external things. If you go back over my eleven years as dean, you could count on the fingers of one hand the number of black-tie dinners and dais-sittings I've done. I avoid events where I am introduced as a 'comma person' — you know, John Sexton, comma, dean of —." In short, if it isn't students, or meetings, or intellectual events, Dean Sexton is at home with his family.

Sexton at home differs little from Sexton in public. He is a paterfamilias who readily assumes tasks and responsibilities, from helping his daughter, Katie, 10, with her homework, to working out a solution to his aging mother-in-law's care needs. You wouldn't describe John as "uxorious" where his wife, Lisa Goldberg, is concerned (she, like her husband, is a Harvard-trained lawyer, and the executive vice president of the Charles H. Revson Foundation), but his devotion to her is such that the word passes through your mind. Home and hearth mean a great deal to John, and if "family" certainly starts with Lisa, Katie and grown son Jed, an actor, and Jed's wife, Danielle, it also includes others, for John and Lisa readily invite additions to the mishpocha. He enjoys contributing—he almost needs to contribute—to the sense of fulfillment and well-being of those around him.

A hedgehog in his devotion to one great idea, Sexton also is a hedgehog in the way he pursues it. The NYU Law dean hasn't the chameleon's morphing talent, and only some of the fox's canniness, but he is the exemplar of the persistent sell. Unlike any other leading law dean, Sexton, in service to his ideal, is not afraid to give himself away, to look ridiculous, to give everyone he talks to his or her full due—and maybe a little (actually, a lot) more—often at his own expense. Sexton readily refers to himself as "the P.T. Barnum of legal education," and if the listener actually goes away thinking "that is truly what this guy is," that's okay, as long as he or she has come to understand Sexton's "great idea" and agreed to serve it in some fashion.

In short, Sexton's is a personality that couldn't work for a standard academic mandarin, someone with a brittle ego or ticklish vanity. "Being John Sexton" requires too much self-confidence and idealism—above all too much ease with himself—for that. For only a man who knows who he is and who believes in his ideal will so willingly run the risk of being labeled "Crusader Babbitt," as a critic of Sexton recently described him.

Nowhere is Sexton's personality more, let's-say-it, profitable to NYU than in his job as fund-raiser. Like it or not—and no dean likes to admit it—fund-raising is the basis of the top job. It is necessary, if not sufficient; in legal terminology, it's dispositive—and it has been for decades.

Deans of professional schools hold a major trump card in raising money: they represent the school that graduated (read that, credentialed) the people to whom they are appealing. The appeal to alumni turns first and last on self-interest: helping us is helping yourself. This often works, but its success speaks less to the talents of the fund-seeker than it does to the motives of the potential donor.

John Sexton has raised a huge amount of money from NYU Law School's graduates, but he has raised still more from other sources. And he has done both less by appealing to self-interest than by stimulating interest in and commitment to ideas, and evoking collaboration in common causes and projects.

Chief Judge Edwards, a graduate of Harvard says, "John adds value to his appeal because he is able to convince people that they are an integral part of NYU's educational enterprise. He shows them how the law school

will be a better place, better able to do its job, if they are a part of it, in this or that specific way or program. He's the first dean most people have met who has made a thought-out overture to them for their personalities, their ideas, their ongoing involvement, not just their money."

West Publishing's Dwight Opperman is a graduate of Drake University Law School, yet he has given millions of dollars to NYU. As he puts it: "I am approached all the time by people with their hands out. There are so many worthy causes and bright people to choose from. What John Sexton does better than anybody else I've ever met is to show me how I can be part of something original and interesting." Recently, for example, Opperman gave several hundred thousand dollars so that NYU could host the forum with President Clinton, Tony Blair and the other leaders.

Then, too, Sexton knows how to give even when he's not getting. A few months ago, the Las Vegas entrepreneur James Rogers was profiled in the New York Times for his record-setting gift of \$115 million to his alma mater, the University of Arizona Law School. In the quest to make the best use of this generosity, Rogers and Arizona's law school dean, Joel Seligman, toured the country seeking advice from leaders at the nation's top law schools. In the end, Rogers asked Sexton to help them shape their plans. Why Sexton? Rogers says that he was impressed by NYU Law's "incredibly swift" rise in prominence: "It already has bested Harvard in some areas. It has great potential to get out in front and stay in front." And he was no less emphatic about "the spirit of the place." "The NYU people have high IQs and strong opinions, but they're united in their focus on being the best. They're a team."

On short notice, Sexton recently flew to Tucson for a weekend. In a series of intense discussions with Rogers, Seligman and the Arizona faculty, they discussed options for the University of Arizona Law School Foundation. (Sexton will be one of the seven members of the board.) He asked nothing for NYU, nor did he press Arizona to use NYU as a model. When asked, "What's in it for NYU?" Sexton responded: "That's an irrelevant consideration. Generosity like Jim's commands the sweat equity of everyone who cares about legal education and the law."

Rogers hasn't given a nickel to NYU Law school, but he's impressed with its dean. "John is generous and unself-seeking. He's genuine in his feelings. You know he means what he says. He isn't hidebound like a lot of academics can be. Some of the deans are caught up in their traditions and styles. But John is unfettered, in his imagination as much as his personality. They're all smart, of course, but John's inspiring, a true visionary. In his persuasiveness and energy level, he's above everyone else. You're ready to go out and conquer the world after a meeting with him."

When pressed, Sexton had little to say about his role as consigliere for Arizona, stressing only the generosity of Rogers' gift and the care that has gone into allocating it. As Judge Edwards puts it: "One of John's best traits is how self-effacing he is. He has no desire to come between someone else and the credit they deserve, or don't deserve. But he himself has big ideas that benefit people, and people know it. He has galvanized them in their self-interest and made them care."

#### MAKING NYU LAW SCHOOL THE BEST IT CAN BE

When Sexton took over as dean in the fall of 1988, the NYU law faculty already boasted more than a handful of men and women of great talent and considerable achievement. A few, such as Anthony Amsterdam, the criminal law scholar and renowned death

penalty opponent, had national reputations. NYU's strengths as a law school were quadripolar: traditional meat and potatoes ("booklarnin'") curricula, clinical (practical) education, a developing cadre devoted to an interdisciplinary approach and a tradition of supplying legal talent to the public sector. In all these areas, the past decade has seen the law school advance both quantitatively and qualitatively.

The biggest advance has been the growth of its faculty. From the beginning of his tenure, Sexton told all who would listen that the key to making NYU the finest law school it could be would be using the faculty already at the school and the special notion of professional education articulated by the Enterprise to attract ever more outstanding scholar-teachers.

Since then, NYU's ability to attract brilliant lateral appointments has become legendary. In the last decade, the school snapped up nearly a score of celebrated scholars—names like Barry Adler (formerly of Virginia); Stephen Holmes (formerly of Chicago); Benedict Kingsbury (formerly of Duke); Larry Kramer (formerly of Michigan); Geoffrey Miller (formerly of Chicago); Daniel Shavero (formerly of Chicago) Michael Schill (formerly of Pennsylvania); and Richard Stewart (formerly of Harvard). Moreover, NYU has made a conscious decision not to use outsized salaries to attract these top scholars—in other words, not to enter into the academic equivalent of what the sports world calls free agency. Instead, as Sexton puts it: "We seek to make ourselves irresistibly attractive to the people for whom we are right. If you want the benefits of the kind of reciprocal community the Enterprise has created, and if you are willing to undertake the obligations associated with that community, we want you, and we can offer you exactly what you want."

And let there be no doubt that the degree and kind of intellectual heat and light generated at NYU is doubtless a draw to faculty and students alike. A weekly bulletin informs the reader of an astonishing number of events, lectures, and meetings, usually animated by a vast array of eminent guests. Supreme Court Justices are regular visitors to NYU, as are their equivalents from foreign lands. So are leading corporate, labor, political and cultural leaders from the United States and abroad. As one faculty member put it: "Each week, there are two or three events here, any one of which would be the major intellectual event at most other schools."

A visiting professor summarized his recent year at NYU this way: "I've spent time at most of the leading law schools; simply put, none has the level of intellectual activity I found here." Another said, "Before I spent a semester here, I knew that NYU's faculty was among the very best in the country. What I didn't know was how much interaction there was among the faculty and students. I certainly didn't anticipate the steady flow of the leading thinkers and players in the law. It seems that everybody who is anybody in law either is at NYU, is about to be at NYU, or has just been at NYU."

Part of the extraordinary intellectual vitality of NYU can be captured in a word unfamiliar to an outsider—"colloquia." A colloquium is a specific and rigorous "meta-seminar" designed to engage faculty and students in demanding discourse at the most advanced level. Typically, a student's formal classroom time in one of the ten colloquia is divided between a session of several hours devoted to grilling a leader in the field (the "guest" participant) and an independent seminar session devoted to student work related to the week's topic. The distinction between teacher and student often dissolves in

the colloquia, replaced by a joint pursuit of advanced study not only of the law but—more usually—of other disciplines as well. There are ten colloquia ranging from traditional topics such as "Legal History," "Constitutional Theory," and "Tax Policy," to the less expected "Law and Society" and Law, Philosophy and Political Theory." In short, interdisciplinary work is not only a priority, it is central—in no small part because the law school has an unusual number of world-class scholars from disciplines other than law—in fields ranging from economics, to politics, to philosophy, to psychology, to sociology. In fact, NYU Law School boasts one of the finest philosophy "departments" in the world, with Ronald Dworkin, Jurgen Habermas, Liam Murphy, Thomas Nagel, David Richards and Lawrence Sager all in residence. And Jerome Bruner, viewed by many as the father of cognitive psychology, is also at the law school.

The fact that Bruner is at NYU is itself a testament to creative thinking. Over the psychologist's protests that he "knew no law," the faculty brought him to NYU in 1992 to help the faculty and students analyze and understand legal cognition more profoundly. The *a priori* questions he studies, and which now valuably inform the general awareness of faculty and students not only at NYU but at other schools as well, include: "What does law presuppose about the function of the mind? How does the human penchant for categorization affect legal thinking? How do lawyers listen? Does stare decisis (the strength of precedent) apply to all human decision-making, not just legal?" This type of "meta" question is routine at NYU Law.

#### THE GLOBAL LAW SCHOOL INITIATIVE

There is another factor in the remarkable story of NYU's growth—a factor that has both helped to attract faculty and generated an unparalleled intellectual activity: the willingness to take risks. A common, if often rueful, characteristic of most elite schools is that they tend to be conservative, risk-averse. As one dean candidly put it, "We change as slowly as an aircraft carrier turns." Such an approach is not the approach of NYU Law School. As Sexton puts it: "We embrace the positive doctrine of original sin. If we are not to be perfect in this life, we should seize our imperfection as an opportunity always to improve—to follow Martin Luther's advice to 'sin boldly.'" This led the National Law Journal to say about NYU in 1995: "NYU, already a powerhouse, has become the leader in innovation among elite law schools."

The best example of all is NYU's boldest gamble to date—what will turn out, incontrovertibly, to be the most extraordinary innovation of Sexton's tenure at the law school—NYU's Global Law School Initiative.

In proposing the initiative six years ago, Sexton and Norman Dorsen, the faculty member he calls the "father" of this venture, precipitated a revolution in legal education. Hailed today by many as the most significant step since Langdell developed the case method, the initiative is predicated on an inevitability of the next century, that the world will become smaller and increasingly interdependent. The importance of the rule of law as the basis of economic interdependence and the foundation of national and international human rights will become self-evident. As governments adopt legal systems based on the rule of law, more and more people will experience political and economic justice for the first time.

Taking globalization seriously means understanding that there are no significant legal or social problems today that are purely domestic—from labor standards and NAFTA to intellectual property and trade,

to the impact of foreign creditors on domestic monetary policy.

NYU's faculty has long been interested in international issues, and its curriculum has reflected this. Its student body, composed of a high proportion of foreign students, have always been able to choose from array of traditional, clinical, and interdisciplinary courses offered by scholars in public and private international law, comparative law, international taxation and jurisprudence. But the Global Law School initiative is something different—subtler, grander, more challenging. It is not a program for the study of international or comparative law, it is about bringing a global perspective to every aspect of the study of law, leading to a new way of seeing and understanding not only law, but the world. Its central premise is that there is value in viewing and reviewing law and society from new vantage points; the more you widen the cultural-conceptual circle of discussants, the more the discussion widens, and the more likely it is that the overall fund of good ideas will grow.

Of the four major components of the Global Law School, the most important is the Global Law Faculty, a score of leading legal scholars and practitioners from around the world, who, though they retain their "day jobs," agree to come to Washington Square for a minimum of two months a year. The Global Faculty, which supplements and complements NYU's extraordinary American Faculty, represents six continents and eighteen nations and boasts the names of many of the planet's leading scholars: Sir John Baker, the eminent Cambridge University law historian and dean of Cambridge's law faculty; Upendra Baxi, vice chancellor of New Delhi University; Menachem Elon, retired deputy president of the Supreme Court of Israel; and Hisashi Owada, permanent representative of Japan to the United Nations, are just a few. These men and women are not "visiting professors" in the usual sense. They come in far greater numbers, are in residence longer, and they maintain a continuing relationship with NYU after they have returned to their home countries. Most return for second and third teaching and research stints at NYU. In Dorsen's words, "They are part of us, and we of them."

Fifty years ago, Arthur T. Vanderbilt saw the value of attracting students from abroad to the school, and he instituted a special program to bring experienced foreign lawyers to the school for a year of study. The Global Law School initiative takes Vanderbilt's notion to a new level. Stimulated in part by a \$5 million gift from Rita and Gustave Hauser, NYU established what is now the world's premier legal scholarship program for foreign students, the Hauser Scholars Program. (Sir Robert Jennings, immediate past president of the World Court, has called it "the Rhodes Scholarship of Law.") Each year, a committee chaired by the president of the World Court chooses the finest young lawyers in the world and brings them to NYU. This has led others to come as well, and the result has been the creation of the most diverse student body anywhere: This academic year, there are more than 300 full-time students studying at the law school who are citizens of foreign countries; they come from almost three dozen countries and six continents.

Not surprisingly, the curriculum that flows from the Global Law School initiative goes well beyond supplementing a traditional American legal education with doses of comparative and international law. Mere supplementation would only reinforce the notion that foreign law is something peripheral, lurking on the outskirts of what a "good American lawyer" needs to know to

ply his trade. Instead, NYU has forged a pedagogy and curriculum that give every student a deeper understanding of the global dimension of the life of a modern lawyer. Members of the Global Faculty teach a wide array of courses, including "basic" courses like dispute resolution, property or tax law, bringing new and critical thinking to fields that have long needed them.

The foreign students, too, bring different and important perspectives. As one American professor told me: "I was teaching *Roe v. Wade* (the abortion case) as usual when a female Chinese student asked me to use Justice Blackmun's decision to assess her government's policy which had required her to have an abortion. An American student never would have asked that wonderful question."

The Global School initiative has led NYU to create a broad range of inter-university agreements, institutes and centers designed to advance the global perspective. And the school's success with the program has generated conferences, forums and special events that have brought the world to NYU—and NYU to the world's attention. So, for example, a conference on the enforcement ability in domestic courts of judgments rendered by the array of new international tribunals brought three U.S. Supreme Court justices to NYU, where they spent three days in conversation with counterparts from around the world—using a set of papers prepared and presented by students as springboards for discussion. A conference on constitutional adjudication attracted U.S. Supreme Court Justices to Washington Square for four days of talks with twelve justices from the Constitutional Courts of Germany, Italy, and Russia.

And then there was last fall's day-long forum, "Strengthening Democracy in the Global Economy: An Opening Dialogue." There never had been an event like it at any university. The cast of participants was overwhelming. In a room packed with NYU's faculty and students, and before a world wide television and media audience (Ten networks were present and 350 journalists were credentialed), leaders grappled in genuine conversation with the need for new political and economic answers in a globalized world. When the capstone panel of the day (a two-hour reflection on the earlier discussions moderated by Dean Sexton and featuring the four heads of state) concluded with a look forward to the continuation of the dialogue under the auspices of the law school, it was clear that NYU Law had become the venue for a global conversation about law.

Successfully incorporating what Dorsen calls "the inevitable but only faintly understood globalization of law" is obviously a long-term proposition. So also is effecting the transformation of perspective that will change legal education. And everyone at NYU acknowledges that the Global Law School initiative faces challenges that will not be met easily—for instance, the difficulty of truly integrating foreign and American law students and faculty, day to day. Still, as First Lady Hillary Rodham Clinton put it, it is now clear that "NYU Law School has arrived at a place where the rest of legal education will strive to be five or ten years from now."

#### A COMMUNITY WITH HEART . . .

When you ask Dorsen what he believes "excellence" in legal education is all about, the Stokes professor is quick to explain that, for him, it goes well beyond intellectual quality and attainment. The two additional factors Dorsen deems necessary—"and which have epitomized NYU Law School for me"—are "variety and heart." "Variety" of course refers to NYU's diversity, not only in gender

and the social, ethnic, racial, and national backgrounds of its students and teachers, but also in the teaching styles and scholarly traditions, educational activities, programs, institutes, and opportunities; and, far from least, the array of legal and public vocations elected by graduates, far from all of whom go into corporate law.

As to "heart," this is "not a simple concept," Dorsen concedes, for all that it is absolutely pivotal. "Heart" is what it all rests on and serves—reputation, quality, prestige, success. It refers to judgement, morality, higher goals, and to the sense of community that comes with being united in a common pursuit. "Heart" is a fragile thing, "constantly at risk" in a world where "intense preoccupation" with individual pursuits easily drives out concern for public welfare and community values.

If you press members of the NYU Law School on this topic, "heart" (or some similar word or phrase) is what they answer to the questions of why they love the place and why it has fared so well. The challenge, beyond attracting faculty stars, the best students and terrific administrators, is to create an environment that is not only intellectually fulfilling but also socially congenial and inspiring to everyone. This is perhaps Sexton's most important contribution to NYU. With him as its catalytic stimulus, the law school has moved from the "independent contractor" model of an academic institution—with its competition and factionalism—to being what the dean, with his Jesuit education, loves to call "a *communitas*" of mutual collaboration and commitment.

As I looked at NYU Law 18 months after the publication of his profile of its dean, I again asked James Traub the question the New York Times had asked in the headline to his piece: "Is NYU's law school challenging Harvard's as the nation's best?" He replied: "Where NYU might beat even Harvard or Yale is as a place to be. NYU is ahead of everybody as a happy place. Law professors are notoriously critical and skeptical. They have trouble feeling part of any institution. You can feel the unease and the disarray at many of the best law schools in the country, but not at NYU."

As Richard Revesz, one of NYU's brightest young stars, says: "The possibilities in this place come together remarkably, combining individual freedom with the dean's sense of community. We have a pluralistic, not a homogeneous, community at NYU." His colleague, Stephen Holmes, a leading political theorist, formerly of the University of Chicago, puts it a little differently: "There is a poisonousness in academic life, and a degree of backbiting and professorial whining that are absent here. John's genius is creating opportunities for the faculty that take the edge of this tendency. He can take energies that can easily turn into mutual recrimination, energies that have done so in other places, and manage to make them productive. NYU is the least bitter institution I've worked at. There's a mutuality and purposiveness here. The administration makes it possible for each of us to do his or her best work without obsessing over our neighbor's advantage. No one seems to get a stomach-ache here because someone else is doing well."

When asked if that is due to a sense of community, Holmes says he doesn't especially like that word, but he affirms that "discussion at the law school mainly goes on, as in the colloquia, in a public setting. This is a very public-minded institution. It isn't dominated by the corridor setting and the gossip that that setting usually creates."

. . . and a dean with soul

At the drop of a very small pin, Sexton will expand warmly upon his current plans for

the law school: to bring the global initiative to full fruition, to develop a curriculum for the 21st century that "addresses a broader range of the cognitive talents we in the law use in working with the law," to build the finest center in the world for research and teaching about law in order to ensure that law and lawyers are used to make our world better.

And—another bold idea—to make NYU tuition free. This last dream, especially close to his heart these days, would be funded partly by building the law school's endowment so that it generates more income and partly by a structured plan that will see NYU graduates who go into corporate law contributing back to the law school the tuition they never had to pay when they were law students. As president of the Association of American Law Schools—legal education's oldest and most distinguished collectivity—Sexton was remorseless in advocating his idea that practicing lawyers should contribute 1% of their income over \$50,000 to the law school from which they graduated. "It is imperative," Sexton says, "to reduce the enormous debt our graduates incur to pay for their education." (It is not unusual for a student to graduate with \$120,000 in law-school-related debt.) He continues: "If we do not reduce their debt, they will be forced to choose income over service."

Where did all these ideas come from? When asked, Sexton will remind you of Arthur Vanderbilt's hopes, of the dreams of "the Enterprise," and of Dorsen's expansive notion of "heart." But, too, he speaks of "the Tocquevillian ideal of the law," infusing that ideal with his own insights, as he did in a recent "President's column" in the newsletter of the Association of American Law Schools: "From the beginning America has been a society based on law and forged by lawyers; for us, the law has been the great arbiter and the principal means by which we have been able to knit one nation out of a people whose dominant characteristic always has been our diversity. Just as the law has been the means for founding, defining, preserving, reforming and democratizing a united America, America's lawyers have been charged with setting the nation's values. Unlike other countries, America has no unifying religion or ethnicity; our principle of unification is law."

Lest this be heard as after-dinner boiler plate, or, worse, an attempt to promote self-satisfaction in his audience, Sexton is quick to point to the historical irony that the American Constitution is becoming a model for nations that have never known the rule of law, precisely at a time "when we in America are becoming more humble about how much we don't know, how much we haven't managed to get right."

Sexton's high-minded idealism, some have noted, is suffused and informed by an Irish-Catholic religiousness lurking just below the surface of his energy, as between the words of all his speeches. It often leads him to enunciate strange definitions in the tin ears of a secular age. "Legal research," in the Sextonian reading, becomes "serious thinking about the 'ought' of the law, not the parody evoked by the phrase 'yet another law review article.'" Where most are content to speak of law as a profession, Sexton lovingly dubs it "a vocation, a deep calling, that governs or ought to govern our professional lives."

It is in this elucidation of ideals and the moral exhortation with which they are pressed home that Sexton is most himself. The single-mindedness of his dedication to his cause permits him more leeway than others allow themselves. As Chief Judge Harry Edwards puts it, "People with true values and beliefs have a big head start in any conversation." The school's former Board chair,

Martin Lipton, who recently became chair of the university's Board, adds, "Anyone who knows or works with John soon realizes that he is a man not only of vision but of complexity, a man whose drive toward meaning is not encompassed or summed up by the standard references of the academic marketplace: prestige, rankings, or VIPs."

A friend of the Sexton family, the writer and literary scholar Peter Pitzele, recalling John's original vocation as a professor of religion, puts it another way: "I would set John in the historic context of Americans who have worked to create an institution—a corporate body—that in some strange way is, or seeks to be, sanctified. I think it is this drive to sacralize that really animates what John is doing." He adds, "Though genius and genial are etymologically related, in life they rarely are. It seems to me that—rare though the combination is—John is both."

Another friend of Sexton's, and his colleague to boot, Richard Revesz recalls one of the biggest bestsellers of the early 1980s, a novel written by a professor of his at Princeton. In *The Vicar of Christ*, Walter Murphy tells the story of an American law school dean who ends up as Pope. Notes Revesz, with a smile, "Every time John starts out a conversation saying to me, 'Let me be your pastor, Ricky, tell me what's on your mind,' I think to myself of Murphy's novel and I wonder . . ."

#### TRIBUTE TO LILLIAN A. HART

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the late Lillian A. Hart, a committed public servant and devoted wife, mother and grandmother, who bravely battled cancer in the last several months of her life.

Lillian has made it easy for us to remember her—she has left behind an impressive list of accomplishments that most people only hope to achieve in their lifetime. Lillian was a leader in the community and a role model for many women. She was a pioneer, exploring occupations and civic positions women had never held before.

Lillian was the first woman to be the state executive director of the Agricultural Stabilization and Conservation Service in Kentucky, her most recent public position. Lillian served Kentucky in this capacity from 1981 to 1989, and received a national award in 1987, for her work on behalf of farmers and all Kentuckians.

Before Lillian became state executive director, she was also the first woman to be appointed a district director of the Agricultural Stabilization and Conservation Service. She served 19 Northern Kentucky counties as district director for 12 years, including in her home county of Pendleton.

Lillian was active in her community, once serving as president of the Pendleton County Republican Women's Club and being chosen as a delegate to the Republican National Convention. She also founded a chapter of Habitat for Humanity in Pendleton County, and was a member of the Kincaid Regional Theatre board of directors.

I am certain that the legacy of excellence that Lillian Hart has left will continue on, and will encourage and in-

spire others. Hopefully it will be a comfort to the family and friends she leaves behind to know that her efforts to better the community will be felt for years to come. On behalf of myself and my colleagues, we offer our deepest condolences to Lillian's loved ones, and express our gratitude for all she contributed to Pendleton County, the State of Kentucky, and to our great Nation.●

#### TRIBUTE TO MEG GREENFIELD

• Ms. MIKULSKI. Mr. President, I rise today to reflect on the passing of a truly remarkable woman: Washington Post Editorial Page Editor Meg Greenfield. A tough, tenacious and trail-blazing woman, Ms. Greenfield had a sharp intellect, a vibrant sense of humor, and a keen political instinct.

Meg Greenfield was at the center of many of Washington's intellectual, cultural and political developments in the past three decades. Her fiercely independent eye for news gave her the ability to cultivate relationships with individuals from every political, cultural and economic background. Her insightful portraits of life in our nation's capital were profound and memorable.

Ms. Greenfield forever changed the access and acceptance women have in the field of journalism. She astutely examined tough issues such as global disarmament and international affairs which were traditionally seen as "male" issues. She commanded respect and demanded fairness and impartiality from her staff.

In 1978, Ms. Greenfield moved the world with her commentary on issues of international affairs, civil rights and the press. For her efforts she claimed the much coveted Pulitzer Prize for editorial writing. One year later, she moved into the post of Editor for the Washington Post editorial page. A responsibility she undertook with dignity, grace, a keen wit and what she would call "the sensibility of 1950s liberals—conservative on foreign policy and national defense, but liberal on social issues" for over 20 years.

For these and many other reasons I admired Meg Greenfield and her vastly important work. She also played a critical role in my own career. When I ran for the United States Senate, I met with the Washington Post editorial board, and I had heard about the tough, no-nonsense Meg Greenfield. I was very impressed with her, and she believed in me and my ideas for Maryland.

The endorsement I received from the Washington Post in the 1986 Democratic primary was a turning point in the campaign. I was running against two very good friends of mine: the terrific Congressman from Montgomery County, Mike Barnes, and Maryland's Governor Harry Hughes. The confidence and support I received from Meg Greenfield and the Post editorial board gave me pride and momentum, and helped lead me to victory.

Meg Greenfield's colleagues at the editorial page wrote the day after her

death, "The anonymity typical of editorial pages could not disguise the hand of Meg Greenfield. As a writer her work was often instantly recognizable . . . for its felicity and stateliness and not least for its wry and mischievous humor. As an editor she imprinted her special blend of a wise skepticism and a reach for the public good on a long generation of Post editorials." In this tribute, they describe not only her as the consummate professional, but as the wonderful and caring woman that she was.

Meg Greenfield will be dearly missed in the many circles of Washington life. Her spirit and legacy will inspire us for years to come.●

#### FREEMEN PROSECUTION AWARD

• Mr. BURNS. Mr. President, I am pleased to come to the floor to honor a Department of Justice team that is receiving the top prosecution award today at Constitution Hall. This team of 12 prosecutors and investigators was faced with the challenging task of bringing LeRoy Schweitzer, Richard Clark, Daniel Petersen, Rodney Skurdal, Dale Jacobi, Russell Landers, and others, known as the "Freemen," to justice.

As you may remember, the Montana Freeman were a group of individuals who refused to recognize any authority by U.S. officials. Instead, they created their own "republic" and court system. After warrants were prepared for multiple counts of fraud, armed robbery, and firearms violations, they holed up on their ranch for 81 days in a tense standoff. The team recognized today were critical in preparing the warrants, negotiating the peaceful resolution of the standoff, and convicting twenty-one members of the group. In addition, this team worked with many other prosecution teams to prepare and present related cases in over thirty federal districts.

It makes me especially proud that there were seven Montanans among the group being recognized. They are Assistant U.S. Attorney James Seykora, Paralegal Specialist Deborah Boyle, IRS Special Agents Michael Mayott and Loretta Rodriguez, FBI Senior Resident Agent Daniel Vierthaler, FBI Special Agent Randall Jackson, and Montana Department of Justice Agent Bryan Costigan. I also appreciate the contribution of Robertson Park, George Toscas, David Kris, Tommie Canady, and Timothy Healy as award winners contributing from agencies outside of the state. I also think it's only appropriate to recognize the investigation and prosecution leader, Montana U.S. Attorney Sherry Matteucci. Although this entire prosecution effort fell under her responsibility, as a political appointee, she is not eligible for this award.

The Attorney General's Award for Exceptional Service is given once each year, with the decision based upon the following: performance of a special